

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA
Plaintiff

v.

PUERTO RICO AQUEDUCT AND
SEWER AUTHORITY and THE
COMMONWEALTH OF PUERTO RICO
Defendants

CIVIL NO. 96-2489 (RLA)

FEBRUARY 28 2005 Status Report

TO THIS HONORABLE COURT:

COMES NOW the United States of America represented through its undersigned attorneys, and respectfully, submits its February 2005 Status Report in the above-captioned case, as follows:

Pursuant to this Court's Order of February 10, 2005¹, the United States of America, on behalf of the Environmental Protection Agency ("EPA"), files this Status Report to update the Court regarding issues related to the 1998 Revised Consent Decree. In this Status Report, the United States briefly responds to the "Responsive Motion" filed by the Puerto Rico Aqueduct and Sewer Authority ("PRASA") on February 3, 2005.

The Court will recall that under the Revised Consent Decree, certain stipulated penalties relating to PRASA's violations of the Revised Consent Decree have been placed in an escrow account. *See* Revised Consent Decree, ¶¶ 3, 24(b). In its most recent Status Report, filed on December 1, 2004, the United States stated that it was "now

¹ Due to excusable neglect from the United States Attorney's Office for the District of Puerto Rico, the instant document was not timely filed. The United States apologizes to this Honorable Court and the other parties for this inadvertence, and prays this Honorable Court to accept the filing of this Motion.

incumbent upon PRASA to seek the ‘approval of the Environmental Protection Agency’ . . . for the return of some or all of the escrowed stipulated penalties.” Status Report at 4. By means of PRASA’s Responsive Motion as well as a letter dated January 31, 2005 to EPA, PRASA has now formally requested that the Agency approve the return of the escrowed stipulated penalties.

The United States is currently reviewing the relevant materials relating to the return of the escrowed funds and determining whether it will approve the release of such funds. In addition, PRASA has informed EPA that it has commenced to gather information necessary to demonstrate that PRASA has met the termination requirements set forth at Paragraph 47 of the Revised Consent Decree.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing document was filed with the Clerk of the Court using CM/ECF system, which will submit notification of such filing to: Cindy Gines Sánchez, Esq., Elfrick Méndez Morales, Esq. and that a true and exact copy of said document has been mailed, via Certified Return Receipt Mail to: John B. Britton, Vernes, Liipfert, Bernhard, McPerson and Hand, 901 15th Street NW, Suite 700, Washington, D.C. 2005-2301 and Jorge M. Marrero Narvaez, Autoridad de Acueductos & Alcantarillados, P.O. Box 7066, Barrio Obrero Station, San Juan, Puerto Rico 00916-7066.

RESPECTFULLY SUBMITTED in San Juan, Puerto Rico, this 18th day of March 2005.

H.S. GARCIA
United States Attorney

S/Lisa E. Bhatia-Gautier
LISA E. BHATIA-GAUTIER
U.S.D.C.-P.R. No. 206014
Chardón Tower, Suite 1201
350 Chardón Avenue
San Juan, Puerto Rico 00918
Telephone: (787) 766-5656
Telecopier: (787)-766-6219